Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Philippines*

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* Circulated in the language of submission only.

I. Introduction

1. In accordance with his mandate under Human Rights Council resolution 23/8 and at the invitation of the Government of the Philippines, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to the Philippines from 21 to 31 July 2015.

2. The Special Rapporteur thanks the Government for its cooperation with his mandate. He consulted numerous national and local government officials and thanks them for their time and information. He looks forward to maintaining a constructive engagement with the Government ahead.

3. He met many internally displaced persons and others, including indigenous peoples, at risk of displacement in different regions. He thanks the Office of the Resident Coordinator, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF) and the Office for Coordination of Humanitarian Affairs (OCHA), among other United Nations agencies, for facilitating his visit and meetings. He is grateful to the Commission on Human Rights of the Philippines and many civil society organizations that provided information and assistance. The present report reflects on numerous causes and situations of internal displacement and provides an independent and impartial assessment.

II. Context of displacement in the Philippines

4. While Typhoon Haiyan – known as Yolanda in the Philippines – has been the most devastating disaster and displacement crisis in recent years, the Philippines has acquired significant experience in dealing with internal displacement caused by disasters, conflict, resource development and other factors. While typhoons and geological events are frequent, the Philippines is on the front line of more extreme weather events associated with climate change.[1] In Mindanao, displacement is often the result of ongoing conflict and complex and combined causal factors, including disaster, land and resource development and political and economic objectives.

5. According to the Internal Displacement Monitoring Centre,[2] figures on internally displaced persons fluctuate constantly due to the high frequency of disasters and the high number of conflicts or other sources of violence. The Centre estimates that at least 3 million people were displaced in the Philippines during 2014, 96 per cent of them by natural hazard-related disasters, the remainder by conflict and generalized violence. As of February 2015, nearly half a million people were living in displacement, of which, around 80 per cent had been displaced by disasters, while an estimated 95,000 had fled conflict and violence in Mindanao.

6. In disaster-affected areas and conflict contexts, internally displaced persons frequently return relatively quickly to their places of origin, often to damaged or destroyed homes and without livelihoods. It is important to recognize that return to a place of origin does not in itself constitute a durable solution and therefore figures on internally displaced

[1] An average of 20 typhoons threaten the Philippines each year with evidence suggesting that they have become stronger and more devastating in recent years.

[2] See www.internal-displacement.org/south-and-south-east-asia/philippines/2015/philippines-long-term-recovery-challenges-remain-in-the-wake-of-massive-displacement/.

persons should also take into account those who have returned who may still have protection and assistance needs associated with their displacement.

7. Frequent and multiple displacements due to conflict and disaster make it extremely difficult to track displacement numbers and patterns.[3] As some become newly displaced, others return, integrate locally or settle elsewhere. Figures usually provide only a snapshot of situations which may change significantly over short periods. Consequently, it is difficult to identify and track those who may be in situations of protracted displacement.

8. The main source for natural hazard-related displacement data is the Government's National Disaster Risk Reduction and Management Council (NDRRMC). Little information is readily available on internally displaced persons outside of camps who stay with host families or in private rental accommodation. A high percentage of such persons fall within this category and greater research and data collection are required into their situations and needs as well as those of host families who may also face challenges and require assistance.

III. Legal, institutional and policy framework

9. The draft bill No. 4744 on Protecting the rights of internally displaced persons has been debated for over a decade. Previously adopted in 2013, a version of the bill was vetoed by the President on the grounds that some elements were unconstitutional or required further clarification. Those consulted unanimously agreed that it was urgent to pass the bill into law. Further revisions were made to the draft bill after the Special Rapporteur's visit and he called for the immediate enactment of the bill. Nonetheless, the bill was not adopted in the final Congressional session of the Aquino administration.

10. If passed, the bill would constitute a landmark national law based on international standards, including the Guiding Principles on Internal Displacement. It would provide a valuable domestic legal statement of the rights of internally displaced persons and the primary responsibility of the Government to protect and assist them. It would help to remove existing administrative gaps, obstacles and uncertainties and establish criminal responsibility for forced or arbitrary displacement by State and non-State actors.

11. Given its history of disasters and conflict, the Philippines has in place a system of national laws and regulations as well as institutional response structures to address some issues relevant to internal displacement. In 2010, the Disaster Risk Reduction and Management Act sought "to strengthen the capacity of the national Government and the local government unit, together with partner stakeholders, to build the disaster resilience for communities and to institutionalize arrangements and measures for reducing disaster risks".[4] Under the Act, 5 per cent of revenues from regular sources are set aside for disaster response, thus guaranteeing budgets are in place.

12. The Act also established the National Disaster Risk Reduction and Management Council (NDRRMC), which is chaired by the Department of National Defence and comprised of numerous other departments and agencies, including the Department of Social Welfare and Development (in charge of disaster response) and the Department of the Interior and Local Government (in charge of disaster preparedness). At the subnational

[3] Figures on conflict-related displacement are mainly based on data collected by the Mindanao Protection Cluster, which is led by the Office of the United Nations High Commissioner for Refugees (UNHCR). Data is provided by Protection Cluster members and only reflects reported displacement events.

[4] See Philippines, Disaster Risk Reduction and Management Act No. 10121 of 2010, sec. 2 (e), available at www.ndrrmc.gov.ph/attachments/article/45/Republic_Act_10121.pdf.

level, a network of regional, provincial, municipal and local Councils put in place necessary local structures given the key role of local government units as "first disaster responders".

13. In the post-Haiyan period, the Office of the Presidential Assistant for Rehabilitation and Recovery was created to unify the efforts of government bodies and other agencies and partners involved in rehabilitation and recovery. Reporting directly to the President, the Presidential Assistant had the rank and authority to oversee and instruct the implementing agencies. The Office coordinated with the NDRRMC as well as consulted local government units, non-government institutions and international humanitarian and development partners.

14. The Department for Social Welfare and Development oversees the nation's disaster response efforts. The National Economic and Development Authority has overall responsibility for recovery functions and the National Housing Authority is responsible for the construction of permanent housing. Mirroring the international humanitarian clusters, a national sectoral approach was established for infrastructure, livelihood, resettlement, social services and support to maximize coordination among government agencies. Some local government units replicated the approach to foster stronger coordination with the national Government.[5]

IV. Responses to Typhoon Haiyan (Yolanda)

15. Typhoon Haiyan made landfall on 8 November 2013, devastating large swathes of the central Philippines. The strongest storm ever recorded at landfall, it resulted in at least 6,300 deaths and led to the damage or destruction of an estimated 1.1 million homes and the internal displacement of over 4 million people.[6] The regions of Leyte and Samar in the Eastern Visayas region were the worst affected areas. Much of Tacloban City and many surrounding towns and villages were destroyed.

16. The Government quickly recognized that the enormous challenges required international assistance and dozens of countries responded rapidly. The extent of the destruction was such that the international humanitarian system declared it a Level 3 emergency,[7] the first time this mechanism had been engaged in the context of a natural disaster. This was a massive test for the international response and, to a great extent, that response proved effective. While problems inevitably occurred and lessons must be learned, these were due in part to the challenges of coordinating national and international actors in a complex emergency situation in which many local actors were overwhelmed.

17. The Government and its partners have to date made significant progress in numerous areas, including providing transitional and permanent homes and restoring infrastructure. In many respects, the Government responded rapidly and effectively to mobilize the necessary resources and personnel and establish necessary response mechanisms, institutions and systems that functioned down to the *barangays*, the lowest administrative level.

18. The Special Rapporteur was nevertheless informed of financial and other constraints that have impacted on the resolution of immediate issues, including provision of basic services and progress with permanent housing and livelihood projects. Some challenges relate to poor coordination and collaboration between national Government and local government units which have significant autonomy and responsibilities, including for

[5] See www.gfdrr.org/sites/gfdrr/files/New%20Folder/Philippines%20August%202014.pdf.

[6] Ibid.

[7] The Inter-Agency Standing Committee considers that Level 3 emergencies require an enhanced level of mobilization of resources, funding, logistics and coordination above that normally deployed and the ability to draw on additional global resources.

disaster response. Differing priorities, political agendas and rivalries between national and local government officials seem to have hampered coordination in some cases, notably in Tacloban.

19. In the report, *Resolving Post-Disaster Displacement: Insights from the Philippines after Typhoon Haiyan (Yolanda)*,[8] the authors surveyed 4,500 disaster-affected households. They found that one and a half years after the disaster, only 17.6 per cent of the affected population feel that life had returned to "normal". Only 32 per cent were able to cover their basic needs, compared to 83 per cent before Typhoon Haiyan. Over 60 per cent of families face difficulties accessing services.

A. Shelter, housing and provision of basic services

20. With over 1 million homes damaged or destroyed, housing remains the biggest challenge for the Government. Displaced persons living in transitional and permanent housing sites who the Special Rapporteur and government officials visited expressed general satisfaction with the housing and services provided, including the health care, education and support for the development of livelihood activities. Policies, such as the "Build Back Better" policy to ensure that housing and infrastructure are more resilient to extreme weather events, are designed to mitigate the effects of future extreme weather or geological events.

21. The Special Rapporteur was impressed by local government efforts to provide high-quality transitional and permanent housing that recognizes the need for internally displaced persons to re-establish livelihoods or find new livelihood options. He visited Tanauan, a coastal town, 18 km from the regional capital Tacloban, at the heart of the devastation. Local people were trained in construction in order to combine housing and livelihood projects; agriculture has been re-established; and debris was cleared under cash-for-work schemes. While construction is slower than hoped for, the objective is to quickly move internally displaced persons out of temporary bunkhouses. The Mayor highlighted opportunities to reinvigorate the local economy in a locality where 42 per cent of households lived below the poverty line prior to Typhoon Haiyan.

22. In November 2015, it was reported[9] that the National Housing Authority had completed 7,025 permanent houses in Tacloban City, while construction of 6,719 houses will be completed by December 2016. The Housing Authority confirmed the release of Pts 26.99 billion for permanent housing construction in all affected areas. However, alternative reports claimed that less than 10 per cent of the target number of permanent houses have been completed and deemed "liveable", and that progress towards achieving targets was poor.[10] According to the National Economic and Development Authority, across the entire affected region, 11,247 houses have been constructed and 73,442 were under construction around the time of the Special Rapporteur's visit.[11]

23. Major challenges to housing construction and redevelopment include lack of funds, difficulties in acquiring land and delays in obtaining permits and clearance to start projects. The Special Rapporteur was also informed of political differences that hampered progress, and persistent allegations of corruption or mismanagement of funds that required

[8] See www.brookings.edu/research/reports/2015/06/15-philippines-typhoon-haiyan-displacement-solutions.

[9] See www.sunstar.com.ph/tacloban/local-news/2015/11/06/7025-permanent-houses-built-yolanda-survivors-439983.

[10] See www.rappler.com/nation/111724-tacloban-post-yolanda-housing.

[11] See www.neda.gov.ph/2015/09/21/neda-notes-encouraging-progress-yolanda-recovery/.

investigation. Allegations suggested that funds, including millions in international aid, remained unaccounted for, were unallocated — despite the pressing needs for reconstruction and rehabilitation programmes —, or have been diverted to other Haiyan and non-Haiyan-related projects.

24. More than two years on, many families remain in collective bunkhouses. While conditions vary across transitional housing sites, residents and non-governmental organizations (NGOs) complained that some did not meet minimum standards of construction or provision of basic services and had numerous safety and protection issues. The Special Rapporteur was informed that up to 1,000 families remained in bunkhouses in Tacloban. Community leaders highlighted a lack of running water or electricity, overflowing toilets and lack of regular garbage collection, adding to generally unsanitary conditions. The risk of communicable and water-borne disease was consequently high.

25. Concerns were voiced over the lack of adequate health-care facilities, trained medical staff in attendance and adequate medical supplies. Community leaders noted that medical staff visited only once a month and that a health-care centre in one location had no doctors or nurses to staff it. They stated that there was a lack of specialist support for the elderly, persons with disabilities or other vulnerable people, for whom bunkhouses could pose particular challenges, including relating to access and care.

26. Residents noted their perception of neglect by the authorities. One community leader stated, "No-one is hearing our problems". A common concern was the need for consultation and information to ensure that the needs of internally displaced persons were heard and taken into account, including information about the status of permanent or transitional housing and the criteria to be met to qualify for such housing. Some feared that they would not qualify for permanent housing since they had to produce certificates to demonstrate their previous ownership of property or tenancy, which many did not have.

27. Some families seemed to have entirely fallen through the assistance net and remained in substandard shelter in areas designated as "no-build" or "hazardous" due to possible future weather events. According to the Mayor of Tacloban City, that amounted to some 3,000 families who were removed from the lists of recipients of emergency shelter assistance and who could no longer obtain relief assistance. While infrastructure and public projects, including flood defences, were legitimate, the highest priority had to be given to securing durable housing for all, basic services and re-establishing livelihoods, including for those residents who were informal settlers or who did not have tenure security at the time of their displacement.

28. Community and NGO representatives expressed concern over the impact of the Tide Embankment Project, a national government-funded project to build a coastal defence wall against storm surges, that would potentially affect 36 coastal communities. The area affected was designated as a "no-build zone", extending 40 metres from the coast. Fisher peoples and those from coastal areas fear the threat of forced eviction from or their inability to return to coastal areas. This will impact on their livelihoods options and food security, unless appropriate responses are undertaken to meet those basic needs.

B. Livelihood and employment

29. According to the International Labour Organization, an estimated 5.9 million people, or 42 per cent of those affected, lost their primary source of income.[12] Many (60.7 per cent

[12] International Labour Organization, "Rebuilding livelihoods after super typhoon Haiyan", 5 February 2014, available from www.ilo.org/manila/info/public/pr/WCMS_235029/lang--en/index.htm.

of households) lost productive assets essential to their livelihoods, which created a major barrier to economic recovery. Even prior to Haiyan, over 2.6 million of the affected population lived on or close to the poverty line. Some families lost breadwinners, leaving women and children highly vulnerable and dependent.

30. The Special Rapporteur visited some transitional shelter sites, including Tagpuro (Barangay 108, Tacloban City), where temporary shelters were well constructed and maintained and permanent shelters were under construction. Livelihood projects had also been successfully put in place to support fishing and other coastal livelihoods. The Tagpura Fish Landing, supported by the Department of Social Welfare and Development and the International Organization for Migration, provides access to fishing while a seaweed farming rehabilitation project assist fisherfolk to re-establish their traditional livelihoods.

31. However, the Special Rapporteur also consulted other fisherfolk living in bunkhouses in Tacloban, who stated that they had not received similar support to re-establish their livelihoods. They wanted to be resettled in their original locations with access to the sea and emphasized that solutions should not be "one-size-fits-all", but durable and sensitive to the different cultures, identities and livelihoods of the different communities. They felt that this was not being given due attention for all and that many had not received support.

32. Residents of bunkhouses stated that most lacked regular income and access to jobs or livelihood opportunities and there was a lack of livelihood projects. Young internally displaced persons complained that there were no livelihood options for them and no adequate school facilities at transitional housing sites. Displaced children have consequently dropped out due to lack of schools and the need to seek income-generating activities. They called for education services, including for those who have missed school, and scholarship programmes.

33. Women expressed the need for practical livelihood opportunities for women heads of households who have children and are unable to travel to work, as well as those who have become community leaders with subsequent responsibilities, but no support or income. The establishment of livelihoods and incomes is vital for societies to return to normal functioning. Those in new permanent housing stated that, while they were temporarily exempt from rental payment, they would eventually have to pay rent, which required regular incomes.

C. Protection concerns

34. A common concern expressed was the lack of security in bunkhouses that were overcrowded, lacked privacy and prone to gambling, alcohol and drug abuse, and violence. Camp managers consistently expressed the need for a more visible police presence as a deterrent to crime and for security. They reported that people unknown to the communities could enter households unchallenged. The concerns were particularly acute for women and girls, who face threats of sexual abuse.

35. Women discussed additional challenges, including lack of security, sexual violence, early marriage due to poverty and the related issue of early pregnancy, which is reportedly high. In poverty conditions, in which men lack livelihood activities, women are vulnerable to domestic violence. Women also noted that they often did not have certificates of ownership to ensure the security of tenure for women-headed households or new permanent housing.

36. Children in bunkhouses or other transitional sites often have to travel considerable distances to school, which creates protection concerns, particularly for girls. The risks of abuse and violence, including sexual violence, are heightened in collective shelter

conditions. Bunkhouse accommodation results in people living in close proximity to strangers and away from livelihood possibilities, which gives rise to anxiety over having to leave their children in order to seek employment.

37. Poor construction standards and cramped, overcrowded conditions create the risk of structural collapse or fire, which could quickly engulf wooden structures. The community leader of one bunkhouse expressed concern over the location of a bunkhouse, noting that it was "not fit for human habitation" and stating that water had repeatedly inundated the structure and potentially undermined its foundations raising concern over the safety of the building.

38. The Department for Social Welfare and Development declared that the emergency phase was over in mid-2014. At that time, the protection cluster was closed down and institutional attention to protection concerns was subsequently reduced, which caused concern to humanitarian organizations as it suggested that the Department was under the misconception that the end of the emergency phase also marked the end of protection concerns. The Special Rapporteur emphasized that internally displaced persons may have protection concerns throughout all response and recovery phases and they must be given appropriate consideration at all times.

V. Conflict-induced internal displacement in Mindanao

39. In Mindanao, decades of two long-standing internal armed conflicts — one between Government forces and the Moro people (the collective name for minority Muslim groups), non-State armed groups, and the other between the Government and the communist insurgency, the New People's Army —, have killed tens of thousands of people, including civilians. The Internal Displacement Monitoring Centre considers that the conflicts have displaced some 3.5 million people multiple times since 2000. In 2013 alone, more than 325,000 people were displaced by conflict, generalized and clan-related violence.[13] UNICEF estimates that 30,000 to 50,000 children are displaced annually due to armed conflict, with some recruited as child soldiers by armed groups.[14]

40. Non-State armed groups in Central Mindanao and the Autonomous Region in Muslim Mindanao are comprised of different factions. The Moro Islamic Liberation Front and the Abu Sayyaf Group are breakaway factions of the Moro National Liberation Front, which fought an armed struggle against Government forces between 1969 and 1996. The Moro Islamic Liberation Front had rejected a peace deal with the Moro National Liberation Front, which created the Autonomous Region in Muslim Mindanao with its own government administering a region of about 4 million people. Subsequently, the Bangsamoro Islamic Freedom Fighters broke with the Moro Islamic Liberation Front and rejected the peace process between the Government and the Moro Islamic Liberation Front in 2012. They then rejected the Comprehensive Agreement on the Bangsamoro, signed by the Government and the Moro Islamic Liberation Front in March 2014, which allowed for greater autonomy for the region.

41. The Comprehensive Agreement on the Bangsamoro was intended to end the armed conflict and grant greater political autonomy to the Muslim areas of Mindanao. A Bangsamoro Basic Law[15] would include provisions for the legal foundation of a

[13] See www.internal-displacement.org/blog/2014/can-mindanaos-new-peace-agreement-help-end-displacement/.

[14] See www.unicef.org/philippines/protection.html#.VrDK9blrJpg.

[15] The Bangsamoro Basic Law was amended in the Senate to read as the Basic Law for the Bangsamoro

Bangsamoro autonomous region. The region would have a higher degree of political self-determination and control over resources than exists under the Autonomous Region in Muslim Mindanao, while defence and foreign policy would remain under the central Government. The agreement requires Moro Islamic Liberation Front combatants to stand down and arms to be decommissioned. The Bangsamoro Basic Law was still being debated in the House of Representatives as of December 2015.

42. A separate insurgency by the military wing of the Communist Party of the Philippines, the New People's Army, continues unabated since 1969. Unlike with the Bangsamoro, there has been no successful peace accord reached between the Government and the New People's Army and the fighting continues. The Armed Forces of the Philippines have put the number of combatants in the New People's Army at between 3,000 and 4,000, much reduced from its peak in the 1980s, which was estimated at more than 20,000.[16] The group remains active primarily in rural areas and communities of the Visayas and northern and eastern Mindanao.

43. Continuing armed conflicts resulted in ongoing and grave human rights violations and internal displacement in 2015, particularly in central and eastern Mindanao. A counter-terrorism operation by the Special Action Force of the Philippine National Police in central Mindanao (Mamasapano) on 25 January 2015 led to the death of 44 members of the police, 18 members of the Moro Islamic Liberation Front and 6 civilians, after the Philippine National Police reportedly entered territories that were covered by the peace deal. This incident caused the Philippine Congress to suspend the passage of the Bangsamoro Basic Law and raised significant concerns regarding national unity, which ultimately compromised the passage of the Law, which was scheduled to be completed before the end of President Aquino's term in May 2016.

44. In February 2015, the Armed Forces of the Philippines declared an all-out offensive against the Bangsamoro Islamic Freedom Fighters, and law enforcement operations were conducted for months, resulting in the displacement of over 125,000 people. Following the end of the offensive and despite assurances by officials of the Autonomous Region in Muslim Mindanao that all internally displaced persons had returned to their homes and communities of origin, humanitarian agencies estimated that 2,102 families (some 10,399 persons) remained in evacuation centres or with host families at the time of the Special Rapporteur's visit, reportedly receiving no assistance from the authorities.

A Zamboanga

45. In September 2013, an offensive by a faction of the Moro National Liberation Front led to three weeks of intense fighting against the Armed Forces of the Philippines in the city of Zamboanga, in the southern island of Mindanao. The occupation of parts of the city and subsequent action by the Armed Forces to regain control resulted in approximately 118,000 persons being displaced and 10,000 houses destroyed. The Special Rapporteur visited Zamboanga and several transitional and permanent housing sites for internally displaced persons in the vicinity of the city.

46. At the time of the visit, some 24,600 people remained displaced nearly two years after the conflict. Some 2,902 families remained in transitional housing sites in the barangays of Masepla, Buggoc and Taluksangay, Kasayngan, Tulungatung. Some 2,022

Autonomous Region. See http://asianjournal.com/editorial/house-failure-to-pass-bangsamoro-basic-law/#sthash.z2Z5Zm64.dpuf.

[16] See www.philstar.com/headlines/2016/01/12/1541823/afp-insists-npa-strength-down-3900.

families were displaced in home-based settings (hosted by relatives or friends or renting homes). The National Housing Authority stated that 36 per cent of the projected permanent housing was complete.

47. The vast majority of those who remained displaced belonged to the Muslim minority in the majority Christian city. Out of over 17,000 internally displaced persons in 12 transitional sites across the city, almost two thirds were Tausug people, who originated from the Sulu archipelago and the northern part of Borneo Island, and about one third were indigenous peoples of Zamboanga, the majority of whom were Sama Dilaut (or Badjaos), sometimes referred to as "sea gypsies". The remaining internally displaced persons were from other indigenous groups or non-indigenous settlers.[17] Displacement has therefore particularly affected the poorest and most historically marginalized minority communities.

48. The Special Rapporteur visited transitional settlements as well as newly constructed permanent housing for the return of some affected communities. He was informed of some important progress by the authorities, including the publication of a Code of Beneficiaries Policy (to guide the allocation of housing assistance), completion of some permanent housing and progress towards durable solutions for some displaced communities. Significant challenges remain and the standard of shelters varies considerably, with reports that some basic needs are not being met.

49. The Special Rapporteur was informed about continuing protection concerns facing the internally displaced, including the closure of the Joaquin F. Enriquez Memorial Grandstand, where hundreds of families had taken refuge after the crisis. Although closure had reportedly been long planned and it was highly problematic, with incidents of crime and sexual assault, the Grandstand was hurriedly closed just days before the Special Rapporteur's visit. NGOs reported that the closure took place even though alternative housing for some families who had refused to move to transitional shelters and wanted to return to their original locations had not been ensured.

50. A number of interviewees criticized the general lack of information to people in evacuation centres or transitional sites and the lack of consultation, which left them uncertain about their options for resettlement and the expected time frame for their relocation to permanent housing. Providing information to people in home-based accommodation is particularly challenging, although it was noted that a city communications working group was actively trying to reach those living outside of collective settings.

51. Once the Grandstand closed, some families returned without assistance to a coastal area called Lupa Lupa, which the Special Rapporteur visited. While close to an area (Mariki) of newly constructed shelters and a school that was being used as temporary housing, some families were clearly in a particularly perilous situation, lacking adequate shelter, construction materials or basic services and assistance. Some had constructed makeshift shelters, while a few, including some elderly persons and children, had found the only shelter available under a bridge in unsanitary and dangerous conditions close to the water's edge.

52. Some permanent housing has been constructed in areas of origin. The Special Rapporteur visited Mariki, a coastal settlement destroyed during the conflict, which stands in marked contrast to nearby Lupa Lupa. As of June 2015, 127 units, built on stilts with walkways, had been completed. Some 642 beneficiaries, many temporarily housed in poor

[17] See www.humanitarianresponse.info/en/system/files/documents/files/ochaphilippines_humanitarian_bulletin_no8_august_2015_final.pdf.

conditions in the Mariki elementary school close by, were awaiting the completion of more units. The Special Rapporteur learned that internally displaced persons had been consulted on their housing needs, but he was concerned by claims of poor quality materials, lack of water and electricity and the cramped conditions of new homes for large families. A common response was that the new homes were an improvement on the condition prior to the conflict.

53. Many internally displaced persons first moved to evacuation centres, then to transitional sites and will finally move to permanent housing, which has resulted in additional costs and inevitable delays. The Special Rapporteur visited Mampang, a transitional site consisting of three housing areas. While providing adequate temporary shelter, these facilities are problematic due to lack of adequate water and electricity and essential services, including health care and education. They are far from the city and restrict access to the sea for Badjao indigenous fisher people. There were reports of security incidents and tensions with host communities. Humanitarian partners stressed that Mampang must be a short-term solution only and not evolve into a permanent housing site.

54. The Special Rapporteur visited the Kasanyangan Transitory Site which consisted of recovery shelters and where construction of new permanent houses on stilts for some 3,000 internally displaced families was taking place. The site has access to the sea and is considered more appropriate as permanent housing of fisher peoples. At the time of his visit, construction was in the early stages and seemed to have stalled. The conditions in the transitional sites appeared to meet the basic needs of internally displaced persons and to be adequate for short-term accommodation, while significant concerns remained regarding delivery of water and electricity and other essential services, including education and health care.

55. The Special Rapporteur emphasizes that permanent housing must be finalized urgently, equipped with all essential services and compliant with building standards. Any initiatives to provide permanent housing must also be culturally appropriate and take fully into account the wishes of the internally displaced communities regarding location, materials and access to livelihoods, for example access to the sea for fishing-based communities. Concerns were expressed by civil society regarding possible neglect and discrimination against some internally displaced persons, notably the Badjao people, a historically disadvantaged minority in the region.

56. The Special Rapporteur was informed by representatives of some Badjao fishing communities from Layag-Layag, Leha-Leha and Simariki, that their coastal homes were destroyed during the military operations and they had been displaced to evacuation centres. While eventually permitted to return to their places of origin 18 months later, they claimed that they did not receive support to rebuild their houses or to re-establish livelihoods in fishing and seaweed farming and were struggling to return to normality. Their requests included financial or material support to rebuild destroyed livelihoods.

57. Despite the adoption in December 2013 of the Zamboanga City Roadmap for Recovery and Reconstruction and funding in the amount of Pts 3.5 billion (about $70 million), obstacles to the return of some internally displaced persons or their resettlement elsewhere have delayed action or left some internally displaced persons ineligible for assistance. The authorities have prioritized those with certificated land titles or formal tenancy agreements. Many internally displaced persons lacked such status or documents and feared they would be excluded from assistance. Government plans provided for building 5,581 new houses and support to 1,661 families to rebuild their homes. NGOs pointed out that 10,000 homes had been destroyed in the conflict, leaving a significant shortfall.

58. Following a "census and tagging" exercise in 2014, the Government claimed that many internally displaced persons were "informal settlers" or "illegal squatters" who did not

originate from conflict-affected areas. They were consequently not included in reconstruction plans as legitimate or "tagged" internally displaced persons with serious implications for their continuing support. Alternative surveys by humanitarian partners disputed those findings and assessed that the vast majority of internally displaced persons had been residing in conflict-affected areas of Zamboanga for over five years.[18]

59. Problems in purchasing land for the construction of permanent housing hampered progress towards durable housing solutions. The designation of "no-build" and "no-return" areas on the grounds of disaster risk reduction have restricted return to some locations. Some considered that such designations were made on security grounds to avoid the repopulation of formerly Muslim areas considered sympathetic to the objectives of separatists. That concern particularly affected those whose livelihoods required access to the sea.

60. In October 2014, the Humanitarian Country Team adopted a durable solutions strategy for displaced persons in Zamboanga. However, poor levels of donor response and the capacity of the United Nations and other humanitarian and development partners significantly hindered progress. While significant aid was initially provided, Typhoon Haiyan struck just two months after the conflict and attention and resources shifted to that crisis. The Zamboanga Action Plan received only 47 per cent of the $12.8 million requested.

B. Maguindanao

61. The Special Rapporteur visited Cotabato City and the province of Maguindanao, located in the Autonomous Region in Muslim Mindanao. He was scheduled to visit various areas affected by conflict and disaster-induced displacement, including in the "SPMS Box",[19] an area of frequent clashes between the Armed Forces of the Philippines and armed groups, including the Bangsamoro Islamic Freedom Fighters. Regrettably, security issues and Government sensitivities limited access to these locations and he was restricted to consultations with government representatives, United Nations agencies and local civil society.

62. Ongoing conflict repeatedly causes large- and smaller-scale displacement. The region is also affected by annual flooding, which temporarily displaces around 100,000 people during the storm and monsoon seasons. This puts a heavy strain on the resilience of fragile communities and results in almost perpetual poverty and instability of livelihoods, security, shelter and food security. In 2012, the poverty rate in Maguindanao was 57.8 per cent, compared to the national average of 22.3 per cent.[20] For many, regular displacement has become the pattern of life and they feel that responses by national and regional authorities are inadequate.

63. Following the Mamasapano incident in January 2015 (see para. 43), the "All-Out Offensive" and the law enforcement operation by the Armed Forces of the Philippines against the Bangsamoro Islamic Freedom Fighters, in February and March 2015, resulted in the mass evacuation of some 24,000 families from municipalities in the region[21] to some 75

[18] A profiling conducted by Mindanao Protection Cluster in June 2014 in evacuation centres and transitional sites found that only 90 out of the 4,523 families surveyed did not come from the conflict-affected areas (UNHCR, June 2014).

[19] The "SPMS box" refers to the adjoining towns of Shariff Aguak, Pagatin (Datu Saudi), Mamasapano and Shariff Saydona, all in Maguindanao where the Bangsamoro Islamic Freedom Fighters operate.

[20] See www.mindanews.com/governance/2013/04/26/armm-is-poorest-region-in-2012-but-poverty-incidence-dropped-in-island-provinces/.

[21] Affected municipalities include Shariff Saidona Mustafa, Datu Salibo, Mamasapano, Rajah Buayan,

evacuation centres. Following this major offensive, the executive secretary of the Autonomous Region in Muslim Mindanao announced that, as of June 4, 2015, Maguindanao had "zero IDP".[22] However, the Special Rapporteur learned that random clashes continued and prevented displaced persons from returning, so that they continued to live in evacuation centres and to rely on humanitarian assistance.

64. The United Nations and local authorities have insufficient resources and capacity to respond adequately to the ongoing displacement situation. An inclusive and comprehensive peace is essential to removing the causes of displacement and to stabilizing the situation. Early adoption of the Bangsamoro Basic Law, which is intended to establish the Bangsamora political entity in the region and replace the existing Autonomous Region in Muslim Mindanao, may assist in this regard. In the meantime, the Government must strengthen its assistance and protection measures for internally displaced persons who are becoming the forgotten victims of this ongoing conflict.

65. The Special Rapporteur emphasized that the return of internally displaced persons to their homes alone does not fulfil the obligations of the Government to provide durable solutions. Even when displaced persons are able to quickly return, they still require immediate and continued support from the authorities, particularly if they have been displaced multiple times. Damage to their homes and livelihoods, disruption to farming, as well as the physical and psychological impact of insecurity and displacement all impact on the resilience of displaced persons and their ability to recover, particularly vulnerable persons, including the elderly and persons with disabilities.

66. Despite the relative autonomy of the Muslim region, security remains under the control of the national Government. The Armed Forces offensives against the Bangsamoro Islamic Freedom Fighters and heavy militarization of the region have contributed to the massive and ongoing displacement situation. However, local commentators claim that the humanitarian situation has been neglected — a consequence of the militarization by the national Government, which provides few funds and little support to the Autonomous Region in Muslim Mindanao for its humanitarian and recovery roles.

67. Much of the response to the conflict and flooding-induced displacement fails to the Autonomous Region in Muslim Mindanao and its Humanitarian Emergency Action and Response Team (HEART), created in August 2013 in response to the Zamboanga conflict and the ongoing conflict and flooding in Maguindanao, Lanao del Sur and other locations. With few resources, HEART's focus is on essential humanitarian assistance. It provides no assistance or compensation for the destruction of homes or crops and does not provide for relocation, resettlement or the provision of transitional or permanent housing. Consequently, few options exist for internally displaced persons other than return to conflict areas with the very real protection risks that this entails.

68. Reflecting on the response to displacement, one interviewee stated, "I have never seen an organized response to evacuation, return or the provision of assistance. Peoples' resources and capacity are weakened. The social fabric is broken. Families are on their own. People are vulnerable and don't know where they should go for safety." Armed Forces commanders presented their activities to protect civilians and rejected allegations that they were conducting military operations in civilian areas. However, civil society actors stated that civilians and internally displaced persons were viewed with hostility by the Armed Forces, who suspect them of harbouring and supporting insurgents.

Datu Saudi Ampatuan, Datu Unsay and Datu Montawal in Maguindanao, and Pikit and Pangalungan in North Cotabato.

[22] See http://mindanaoexaminer.com/maguindanao-idps-return-home/.

69. Attention to livelihoods, education and durable solutions is minimal in a region of extreme poverty, where the priority of internally displaced persons and assistance providers is immediate relief, food, water and emergency medical provision. The lack of data and information hampers assistance and monitoring of assistance and protection needs. While many are displaced to evacuation centres, some communities may seek safety in neighbouring villages and thus may be in remote or hard-to-reach locations, which makes information, communication and delivery of assistance difficult.

VI. Impact of internal displacement on indigenous people

70. With regard to the communist insurgency, the indigenous peoples of Mindanao, known as Lumads, have been disproportionately affected by the long-standing conflict between the Government and the New People's Army.[23] Many live in areas where the communist insurgency and counter-insurgency by the Armed Forces of the Philippines are taking place. Indeed, Lumads are often accused by the Armed Forces of being members or supporters of the New People's Army. Due to their unique lifestyles and particular association with and reliance on their ancestral lands, Lumads can be significantly affected by displacement.

71. From January 2015 to early October 2015, 10 internal displacement incidents involving Lumads and related to the activities of the Armed Forces of the Philippines and paramilitary groups were reported in four Mindanao regions (Regions X, XI, XIII and the Autonomous Region in Muslim Mindanao). Some 1,750 families (an estimated 8,689 persons) were displaced from the provinces of Agusan del Sur, Bukidnon, Davao del Norte, Maguindanao, Misamis Oriental, Surigao del Sur and South Upi, of which 1,264 families (an estimated 6,316 persons) remained displaced as of early November.[24]

72. To note some examples, on 9 August 2015, 84 families were reportedly displaced when members of Magahat-Bagani, a paramilitary group, interrogated and harassed villagers in Sitio Nalindog, Barangay Bolhoon, in the municipality of San Miguel, in the province of Surigao del Sur. Residents were accused of being supporters or members of the New People's Army. On 28 August 2015, in the neighbouring village of Siagao, around 332 families reportedly fled their homes when Magahat-Bagani threw a grenade into a house in the village, killing two brothers.

73. On 1 September 2015, in a village in northern Mindanao, in the municipalities of Lianga, Marihatag, San Agustin, San Miguel and Tago, members of the Manobo Lumad tribe were reportedly rounded up by the paramilitary group Magahat-Bagani. Three community leaders were beaten and arbitrarily executed and residents were accused of being affiliated with the New People's Army and threatened with death and burning of community schools if they did not leave. Around 573 families fled to the provincial capital of Tandag.[25] The Department of Justice ordered an investigation and an arrest warrant was issued on 28 September 2015, with the names of the alleged perpetrators, as some villagers identified the paramilitary group. However, as of February 2016, no arrests had been made and the displaced persons do not feel safe to return. Approximately 2,621 Lumads reportedly remained displaced and were receiving assistance in the municipal stadium in Tandag.

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[23] "Lumad" (meaning "native"or "indigenous") is a term used by the indigenous peoples from the southern Philippines to refer to themselves. They are considered the original inhabitants of the island of Mindanao.

[24] Data from Mindanao Protection Cluster (UNHCR).

[25] See www.aljazeera.com/indepth/inpictures/2015/09/displaced-Lumads-mindanao-150929074732377.html.

74. Lumad groups have publicly protested against being caught up in a conflict, which is not their own, which is being carried out on their ancestral domains and in which they are manipulated and exploited by both parties to the conflict. Lumads, human rights organizations and others have accused the Armed Forces of the Philippines of creating and arming the indigenous peoples paramilitary groups, known as "Alamara" or "Magahat-Bagani", which are both actively engaged in fighting the New People's Army and which very often protect the interests of public and private development projects and companies. The Armed Forces of the Philippines denies any such links to these indigenous peoples paramilitary groups.

75. From January 2015 to early October 2015, 17 Lumad leaders, activists, or villagers, including one child, were confirmed killed, seven of which are considered incidents of extrajudicial killings. The Commission on Human Rights of the Philippines has denounced the violations of the rights of the Lumads by both sides. It highlighted 35 cases of extrajudicial killings from 2001 to September 2015, involving 59 members of indigenous peoples communities, of which, 10 cases were allegedly perpetrated by the Armed Forces of the Philippines, while 8 cases were attributed to the New People's Army.

76. Lumad ancestral lands are resource-rich and there is encroachment onto them by public and private development projects, extractive companies, large-scale plantations and small-scale illegal mining and logging, carried out increasingly by local paramilitary groups. This is a factor in the complex dynamics of the ongoing conflict and displacement that requires increased attention. It is in the interests of some to maintain instability and displace Lumad groups so as to pursue mining or logging activities. Lumads in northern and eastern Mindanao reported that they had returned after displacement to find mining equipment or fenced off areas on their land. When they have resisted these activities, they, their families and, in some areas, entire communities have been threatened and harassed and many have been killed.

77. The Indigenous Peoples' Rights Act is an exemplary law which includes the rights to ancestral domain, self-governance and empowerment, social justice and cultural integrity. The Act established the National Commission on Indigenous Peoples, which has been mandated to "protect and promote the interest and well-being of the Indigenous Cultural Communities and Indigenous Peoples with due regard to their beliefs, customs, traditions and institutions". However, its implementation in practice is deeply flawed and the structure and processes established to uphold those rights are reportedly often misused against indigenous peoples.

A. Haran Centre, United Church of Christ in the Philippines, Davao City

78. The Special Rapporteur learned about the situation of some 700 Lumads who had been displaced from Talaingod and Kapalong in Davao del Norte and were living at the Haran Centre facilities, run by the United Church of Christ in the Philippines in the city of Davao. According to the Lumad leaders and clergy in the church, the Lumads had been in the facility for several months due to a long history of conflict and militarization of their localities, which had begun in the mid-1990s with the arrival of a large logging company. The Special Rapporteur travelled to Davao City to consult with the authorities and the Lumads themselves.

79. The Armed Forces of the Philippines and a few prominent politicians claim that "leftist" organizations aligned with the communists coerced the Lumads into moving to Davao, where they are used to further their political agendas. Armed Forces representatives asserted that the Lumads were the victims of "trafficking" and were being held against their will. The Armed Forces stated its intention to protect the communities and wanted those in

Davao to return to their homes. Legal action was taken against groups supporting the Lumads, but those cases were dismissed due to lack of evidence.[26]

80. The authorities alleged that suicides had occurred and that some members of the community had sought their assistance to leave. They indicated that concern over the welfare of women and children had led to an operation by the riot police to gain access to the Haran Centre, which had resulted in a violent response. They claim that conditions are crowded and unsanitary and pose a risk to the health and welfare of those in the facility, including children and the elderly.

81. Having informed the Government, the Special Rapporteur visited the Haran Centre unannounced to meet Lumad leaders. They stated that they were not detained against their will and that the military, paramilitary and New People's Army presence in their communities created danger and anxiety for their communities. They wished to return, but stressed that they could only do so safely if the long-term militarization ends and they have guarantees of safety, dignity and protection. They described forced recruitment into paramilitary groups which allegedly operate under the auspices of the Armed Forces of the Philippines and regular harassment by the Armed Forces in the context of the conflict. Following his visit, the Special Rapporteur was informed that, at the end of December 2015, 295 people left the Haran Centre to return to their territories. The paramilitary group, Alamara, allegedly killed a 15-year old boy, resulting in their return to the Haran Centre.

82. The demands of the Lumads include the following: disband and disarm paramilitary groups; cease forced recruitment; arrest and prosecute paramilitary or military forces that engage in violence against civilians; stop "tagging" individuals as New People's Army suspects; withdraw the Armed Forces troops from communities; ensure that schools operate freely without interference or military/paramilitary presence, threats or violence; ensure that their schools are accredited in a timely manner; ensure a functioning rule of law and law enforcement; and provide social services to indigenous peoples equal to that provided to people in other areas of the country.

83. The Lumads stated that they had lost trust in the National Commission on Indigenous Peoples, which they consider to be working with the authorities and the Armed Forces of the Philippines against their interests. They also expressed distrust of the independence of the Commission on Human Rights. Public inquiries held by the Commission on the Haran Centre case failed to gain the confidence of the Lumads, who perceived bias towards the Government's position.

84. Lumad concerns include ensuring the preservation of indigenous lands and culture and the certification of ancestral domains, as well as transparent processes and adequate information dissemination regarding development projects. They claim that their schools have been closed and/or occupied by the Armed Forces or paramilitaries, which has hampered education for indigenous children. During a field visit to Talaingod and Kapalong conducted by the United Nations following the Special Rapporteur's visit, interviews with the communities confirmed the views of those in the Haran Centre.

[26] In July 2015, charges under article 267 of the Revised Penal Code on Kidnapping and serious illegal detention and the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208) were filed against various groups for helping Lumads evacuate their ancestral lands and find a temporary refuge in the Haran Compound, Davao City. They were dismissed by the Davao City Prosecutor's Office due to insufficient evidence.

B. Tampakan

85. Mindanao has some of the Philippines' largest gold, nickel and copper deposits in areas including Davao, Agusan del Sur and Surigao del Sur. Many are in the ancestral domains of the Lumads. Lumad lands are targeted by extractive mining companies which encroach on the lands often with the support of the Government. Corporations are engaged in logging, plantations and development projects. Armed groups are also engaged in small-scale, often illegal, mining and logging on indigenous peoples' land. These activities have been characterized as "development aggression" without consultation with the Lumads, as required by the Indigenous Peoples' Rights Act.

86. The Special Rapporteur visited Koronadal and Tampakan in South Cotabato Province, a site of potential mass displacement due to a proposed open-pit mining project in Tampakan. If implemented, this project would be located on the boundaries of South Cotabato, Sultan Kudarat, Davao Del Sur and Sarangani, and would displace over 5,000 people, the majority being Balaan indigenous peoples, from their recognized ancestral lands. The project has been put on hold by the Governor of South Cotabato, however, indigenous leaders expressed their fears that it would eventually proceed despite their objections.

87. Indigenous peoples expressed frustration that consultation processes, including the process to obtain their free, prior and informed consent had not been transparent or inclusive of their chosen tribal leaders nor had it taken adequate account of their views and rights to the land and to the maintenance of their cultures and lifestyles. One unverified account claimed that the Lumads were asked at a meeting who had not had lunch, and when the majority raised their hands, a photograph was taken and subsequently used to suggest their agreement to the project.

88. Indigenous peoples stated that the actions of mining companies and those in support of the project had created tensions in an attempt to deliberately divide the community. The mining operation has led to a military presence (the 27th Infantry Battalion) in the region, which many opposed to the project blame for the killing of a number of anti-mining activists and Lumad leaders and members of their families, including the pregnant wife and two sons (aged 13 and 8) of Daguil Capion, on 18 October 2012, and his brother in 2013.[27]

89. A human rights impact assessment, published in July 2013,[28] found that the Tampakan Mining Project would have significant impacts on the human rights situation in the area. It was embedded in a context characterized by a combination of prevailing poverty, a high level of marginalization and discrimination against indigenous groups, especially in terms of basic services, the Government's failure to meet its human rights duties, and an overall volatile conflict situation, interrelated with other factors. This amounted to a scenario in which a responsibly operated open-pit mine of such large scale did not seem feasible. The Philippine Government bears the major responsibility for this fragile situation in the Tampakan area.

90. The report stated that if the project proceeded, there would be a high risk of cultural loss and violations of cultural rights of the indigenous people affected by the mine. Thousands of members of the Balaan communities would be relocated and thereby lose their land, which interviewees described as the backbone of their everyday routines, their religious traditions and their source of food.

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[27] The Government considers Daguil Capion a bandit and disputes that its actions are related to his anti-mining activities. He was arrested by security forces on 16 July 2015 on charges including murder and robbery.

[28] See www.fastenopfer.ch/data/media/dokumente/entwicklungspolitik/soziale_unternehmensverantwortung/menschenrechte_in_tnc/tampakan/study_tampakan_HRIA_engl.pdf.

VII. Conclusions and recommendations

A. Conclusions

91. No country could be prepared for the devastating impact of an event such as Typhoon Haiyan, which tragically demonstrated that the Philippines is on the front line of climate change-related extreme weather events. The Government and people must be commended for their extraordinary resilience and efforts to rebuild devastated infrastructure and communities. Institutional and policy frameworks have proved effective in the immediate crisis response and as the process of recovery began. Hard lessons have been learned and will benefit international partners and all States affected by similar crises.

92. However, two years on, it appears that attention and resources required to achieve durable solutions for persons internally displaced by Haiyan are waning. For a country prone to disasters and enduring long-standing conflicts, it is vital to translate international standards, including the 1998 Guiding Principles on Internal Displacement and the Framework on Durable Solutions for Internally Displaced Persons, into domestic law. To delay further sends a wrong signal about the commitment of the Government and withholds essential legal protection from internally displaced persons. A law on internally displaced persons must give due attention to all forms of displacement, including conflict and development-induced displacement.

93. The objective of achieving durable solutions for internally displaced persons has not been given the necessary attention to date and must inform policies and strategies at all stages of response. Return alone or with short-term assistance does not constitute a durable solution. International standards stipulate that durable solutions are achieved when internally displaced persons no longer have specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.

94. Funding shortfalls, delays in allocation and distribution of funds and political challenges, including inadequate cooperation between national and local governments, are hampering essential recovery processes. Despite massive allocation of government funds and unprecedented international funding, progress has been slow or stalled in some locations. Allegations of corruption, unaccounted-for funds and mismanagement or redirection of funds must be investigated and the results made public.

95. Relative neglect of conflict-induced displacement and internally displaced persons is evident and must be addressed. While commendable national plans, institutions and budgets exist for disaster response, there is little such attention paid to those displaced by conflict. The protracted conflicts and displacement in Mindanao have become a "forgotten crisis" and the internally displaced persons, neglected victims. Attention to their needs and rights must be given the same priority as internally displaced persons elsewhere in the country.

96. The Government must fulfil its responsibility to ensure restitution of property and/or provide compensation and reparation to all internally displaced persons whose homes, property and livelihoods were damaged or destroyed by disaster, during conflict or as a result of displacement due to development projects. Transparent, non-discriminatory mechanisms should be established to process housing, land and property claims.

97. Detailed profiling of internally displaced persons in all regions should be ongoing and include an assessment of numbers, needs and intentions. Many internally displaced persons living outside of collective transitional shelters or evacuation centres are particularly difficult to reach, however, there must be concerted efforts to access them and ensure that they have access to information, services and durable solutions.

B. Recommendations

To the Government of the Philippines:

Response to Typhoon Haiyan (Yolanda)

98. Recognizing that durable solutions require multisectoral approaches, the Government must intensify its attention to ensuring that permanent housing and livelihood restoration are completed as quickly as possible for all affected persons.

99. The immediate needs of internally displaced persons remaining in bunkhouses or transitional shelters must be assessed and service provision to them improved and guaranteed, including water and sanitation, electricity, medical services and access to education. Protection concerns must be addressed, including for women, children and other vulnerable persons.

100. National Government and local government units must work in closer cooperation based on national legal and policy requirements and in the interest of all affected persons and reach a common understanding regarding priorities, roles and responsibilities, with adequate funding provided.

101. A deficit in genuine consultation with and participation of internally displaced persons in planning and decision-making has resulted in frustration and anxiety among some communities for which progress has been slow. Consultation and information provision is a right of internally displaced persons and allows them to realize the right to choose durable solutions that best meet their needs.

102. Culturally appropriate and gender-sensitive livelihood programmes should be implemented, including for women heads of households, as an essential component of durable solutions. Those dependent on coastal-based livelihoods should be assisted to resume such activities.

103. A rights-based and inclusive approach should be taken to ensure that all affected persons are addressed and that criteria for assistance do not unfairly exclude any person. Profiling, a full needs assessment and verification exercises are required during this crucial transition period between early recovery and the attainment of durable solutions.

Conflict-induced displacement

104. It is essential that the national Government and its local government counterparts ensure all necessary assistance and support to conflict-related internally displaced persons. To date, in locations such as Maguindanao, this has not been the case, leaving already impoverished families unsupported and highly vulnerable.

105. While steps have been taken by the military to improve its human rights record, training and operational impact on civilian communities, these fall short of required standards under international humanitarian and human rights law and should be intensified and applied consistently. Equally, the military activities of non-State armed groups in civilian populated areas contravene international law and must cease.

106. To the extent possible, the international presence in Mindanao should be maintained and strengthened in view of the current volatile situation in relation to the ongoing armed conflicts and the many protection issues.

Zamboanga

107. Two years after the conflict in 2013, nearly thousands remain in transitional shelters or other non-permanent housing, some in conditions which fall far short of minimum standards. The Government must step up efforts to rapidly provide permanent housing in consultation with internally displaced persons, so as to ensure access to livelihoods, services and tenure security.

108. Transitional sites, such as Mampang, have generally poor conditions and service provision and are inappropriate to the cultures and livelihoods of many internally displaced persons. They must not transition into permanent housing and resources must instead be directed to finding more appropriate locations.

109. Where return to areas of origin is not possible, displaced persons must be consulted and informed in a timely manner about their options, and subsequent movement must be on a voluntary basis. Meeting their location preferences should be a high priority and necessary support provided. Information and assistance must be provided to internally displaced persons in home-based accommodation, which should not be considered as a durable solution.

110. The Government must ensure that its responses do not differentiate against any displaced community on the basis of their identity, religion or belonging to a minority or indigenous community and fully respect the right to freedom of movement.

111. Government's claims that many in transitional shelters are not legitimate internally displaced persons are highly problematic. Authorities must adopt an inclusive approach and ensure adequate housing, services and support for all, without discrimination, recognizing that many lost, or never had, formal ownership or tenancy documents.

Maguindanao

112. In Maguindanao, displacement has become an ever-present threat and a consistent reality for some communities. Breaking the cycle of violence and displacement that has gone on for decades is essential and requires leadership by the Government and its armed forces as well as the leaders of non-State armed groups.

113. A political solution must remain high on the Government's agenda and that of the international community. The passing of a law as mandated under the Comprehensive Agreement on the Bangsamoro should be a high priority and would provide an important basis for lasting peace.

114. Appropriate funding and resources must be provided by the national Government to all internally displaced persons in an equal manner across all regions of the country. The immediate humanitarian assistance provided to persons who have been displaced by conflict and flooding must be improved. Funding must also be targeted towards strategies to achieve durable solutions for internally displaced persons.

115. Return of internally displaced persons to places of origin alone does not fulfil the obligations of the Government to find durable solutions. Even when internally displaced persons are able to return to their place of origin relatively quickly, they require immediate and continued support from the authorities, particularly when livelihoods have been affected.

Impact of displacement on indigenous peoples

116. **Displacement of indigenous peoples has an incalculable impact on indigenous cultures and ways of life that are part of the rich and diverse cultural heritage of the Philippines, which must be protected and respected.**

117. **The protection of the rights of indigenous peoples displaced or threatened by displacement must be strengthened in law and in practice. The Indigenous Peoples' Rights Act must be fully implemented and specific provisions on the rights of indigenous peoples should be included in the final law on the rights of internally displaced persons.**

118. **Indigenous peoples are severely affected by displacement, given their ties to ancestral lands, and may have more challenges in adopting coping mechanisms for survival when displaced. The Government, in consultation with the affected peoples, should pay greater attention to addressing the often complex causes of their displacement, including the militarization of their areas, natural or man-made disasters and resource development.**

Haran Centre, United Church of Christ in the Philippines, Davao City

119. **It is essential to find a rapid and peaceful solution that takes into account the demands of the Lumads in the Haran Centre so as to ensure their voluntary, secure and sustainable return to their ancestral lands. The humanitarian and protection needs of these vulnerable internally displaced persons must be the highest priority of all involved parties.**

120. **Any solution must be peaceful and achieved in full consultation with the Lumads. Any attempt to remove them by force is inappropriate, unnecessary and may escalate an already tense situation, resulting in fatal consequences.**

Tampakan

121. **While it is beyond the mandate of the Special Rapporteur and the scope of this report to make conclusive assessments of specific development projects, the actual or potential internal displacement of thousands of Lumads justifies attention by the Special Rapporteur.**

122. **Under the Guiding Principles on Internal Displacement, development projects must have a legitimate aim and be justified on public grounds by a threshold of "compelling and overriding public interests" (see principle 6 (2) (c)). Under principle 9, States have a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.**

123. **At every stage of development projects, international standards on the rights of indigenous peoples must be fully adhered to, including their rights to land and property, their participation and consultation and the free, prior and informed consent of affected communities.**

124. **The Special Rapporteur considers that these obligations have not been adhered to with regard to the Tampakan mining project. The rights of affected Lumads who face displacement due to the project have been and continue to be violated. A full review should be undertaken by independent and impartial actors.**

To the international community:

125. **International assistance remains a vital component of the overall response and to ensuring durable solutions for internally displaced persons in the Philippines. The international community is urged to maintain its technical and financial support, particularly for environmental risk assessment and disaster management.**

126. **The international community should stand ready to respond effectively to disaster-related displacement in the Philippines, in line with the recommendations contained in the Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. It should equally provide support to the Philippines for the effective implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 as well as measures of adaptation to climate change under the 2015 Paris Agreement on climate change.**

127. **The international community should support the peace efforts in Mindanao and maintain an effective protection and humanitarian presence in Mindanao.**